

New York on the 20 day of
February 2007.

PRESENT:

HON. DIANA A. JOHNSON,

Justice.

-----X
LUCIENNE LOMBARD,

Index No.:
36016/05

Plaintiff,

-against-

FARHAAD YACOOB, NADIA YACOOB, GUARANTEED
HOME MORTGAGE COMPANY INC., BERKSHIRE
FINANCIAL GROUP, INC., FIRST NATIONAL BANK OF
NEVADA, RESIDENTIAL FUNDING CORPORATION,
BENJAMIN JACOB TURNER, ATARA HIRSCH-TWERSKY,
JONATHAN J. MASON-KINSEY, CHICAGO TITLE
INSURANCE COMPANY, DECISION 2000 REAL
ESTATE SERVICES, INC., AUGUSTA UWECHUE,
SPAULDING PROPERTIES INC., FINANCE AMERICA,
LLC and MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC., as Nominee for FINANCE AMERICA, LLC,

ORDER

Defendants.
-----X

Plaintiff, LUCIENNE LOMBARD, by her attorney, Howard W. Rachlin,
Esq., having duly moved for an order granting a default judgment to Plaintiff
against Defendants FARHAAD YACOOB, NADIA YACOOB, JONATHAN J.
MASON-KINSEY, AUGUSTA UWECHUE and SPAULDING PROPERTIES INC.
upon the ground that time of the Defendants to answer herein has expired and

that said Defendants have not answered therein, and the motion having regularly come on to be heard;

NOW, upon reading and filing the Notice of Cross-Motion for a Default Judgment dated September 11, 2006, the Affidavit of LUCIENNE LOMBARD, sworn to on the 11th day of September, 2006, the Affirmation of Howard W. Rachlin, Esq. dated September 11, 2006 in support of the motion, the Affirmation of A. Michael Furman, Esq. dated September 14, 2006, attorney for Defendant BENJAMIN JACOB TURNER, in partial opposition thereto and the Affirmation of Howard W. Rachlin, Esq. dated September 19, 2006 in reply thereto, and none of the above-named defaulting Defendants having opposed said Cross-Motion for a Default Judgment; and after due deliberation having been held thereon and the Court having made and filed a Decision and Order dated November 3, 2006, directing to settle order as provided;

NOW, upon motion of Howard W. Rachlin, attorney for Plaintiff, it is

ORDERED, that the Plaintiff's motion for a default judgment against Defendants FARHAAD YACOOB, NADIA YACOOB, JONATHAN J. MASON-KINSEY, AUGUSTA UWECHUE and SPAULDING PROPERTIES INC. be, and the same is, hereby granted for the relief contained in the original complaint; and it is further

ORDERED that the deed dated January, 26, 2004 transferring the premises known as 499 East 29th Street, Brooklyn, New York a/k/a Block 5231, Lot 70, (the "Premises") from Plaintiff LUCIENNE LOMBARD to Defendant FARHAAD YACOOB recorded in the Office of the City Register of the City of

New York, Kings County, on November 26, 2004 and given City Register file number 2004000731602 is hereby declared fraudulent, null and void and of no effect; and it is further

ORDERED, that the aforesaid deed dated January, 26, 2004 transferring the premises known as 499 East 29th Street, Brooklyn, New York a/k/a Block 5231, Lot 70; (the "Premises") from Plaintiff LUCIENNE LOMBARD to Defendant FARHAAD YACOOB recorded in the Office of the City Register of the City of New York, Kings County, on November 26, 2004 and given City Register file number 2004000731602 is hereby cancelled and the City Register is hereby directed to cancel said deed of record; and it is further

ORDERED, that the mortgage given by Defendant FARHAAD YACOOB to Defendant BERKSHIRE FINANCIAL GROUP, INC. dated January 26, 2004 and recorded in the Office of the City Register of the City of New York, Kings County on November 26, 2006 in City Register File No. (CRFN) 2004000731603, which mortgage was thereafter assigned to FIRST NATIONAL BANK OF NEVADA by assignment dated November 8, 2005 and recorded in the Office of the City Register of the City of New York, Kings County on November 30, 2005 in City Register File Number (CRFN) 2005000663096, which mortgage was thereafter further assigned to RESIDENTIAL FUNDING CORPORATION by assignment dated March 4, 2005 and recorded in the Office of the City Register of the City of New York, Kings County on June 14, 2005 in City Register File Number (CRFN) 2005000344429, is hereby declared null and void and of no effect; and it is further

ORDERED, that Defendant FARHAAD YACOOB is permanently enjoined from:

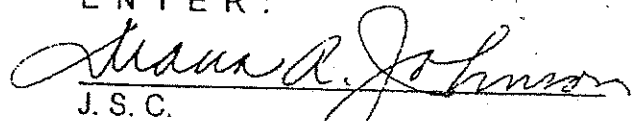
- (a) prosecuting a holdover proceeding pending before the Civil Court of the City of New York, County of Kings, against the Plaintiff, L&T Index No. 98592-2005, and instituting or maintaining any other summary or other proceeding to evict or remove Plaintiff, members of Plaintiff's family or any other occupant from possession of the Premises known as 499 East 29th Street, Brooklyn, New York, a/k/a Block 5231 Lot 70;
- (b) entering into any contracts and/or agreements involving the Premises, offering for sale, selling, transferring, assigning, or in any way conveying the Premises to any person or entity other than Plaintiff;
- (c) executing or recording any deed transferring title to the above described premises to any person or entity other than Plaintiff;
- (d) selling, transferring, assigning, in any way conveying or foreclosing any existing mortgage or other encumbrance against the Premises;
- (e) executing, creating or recording any mortgage or other encumbrance affecting said Premises or any interest of any of the Defendants therein; and
- (f) entering into a lease with or permitting any person or entity other than Plaintiff to take possession of the said premises or collecting any rent from the 2nd floor tenant at the Premises ~~on the grounds that the said acts of Defendants, if committed, will result in the immediate and irreparable harm, injury, loss and damage to Plaintiff;~~ and it is further



ORDERED, that upon the filing of a Note of Issue, the Clerk shall place this case on the calendar for an assessment of damages under the 4th, 5th, 6th, 7th, 11th, 12th and 13th causes of action against the defaulting Defendants FARHAAD YACOOB, NADIA YACOOB, JONATHAN J. MASON-KINSEY, AUGUSTA UWECHUE and SPAULDING PROPERTIES INC. and for a determination of attorney's fees under the 15th and 16th causes of action; and it is further

ORDERED, that the Clerk is hereby directed to enter judgment against Defendant SPAULDING PROPERTIES INC. on the 10th cause of action in the amount of \$24,000.00 with interest from January 26, 2004 together with costs and disbursements of this action.

ENTER:


J. S. C.

HON. DIANA A. JOHNSON
JUSTICE N.Y.S. SUPREME COURT

MAR 22 2007